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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,681	06/04/2001	Lanny Gilbert	BLL-0024-C	7032

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EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,681

Applicant(s)

GILBERT, LANNY

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6-4-01
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-18 is/are allowed.
- 6) ☒ Claim(s) 1-13 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Silberfenig et al.(U.S 2001/0041590).

Regarding claim 1, Silberfenig et al. discloses all the claimed invention as set fourth in the instant application, also Silberfenig et al. discloses a communication cellular telephone sound storage device, and email communication device, in addition Silberfenig et al. discloses a method for recording an audio message received from a communication device through a radiotelephone network (which reads on paragraph [0004]), the method comprising receiving a first feature code from a user entered at the communication device and sent through the radiotelephone network (which reads on paragraph [0051]); receiving a user identification code from the radiotelephone network (which reads on paragraph [0052]); providing the user with a personal storage area (which reads on paragraph [0053]); and allowing the user to record an audio message in the personal storage area (which reads on paragraph [0033]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-10,19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silberfenig et al. in view of Peltonen (U. S. Patent Number 6,393,274).

Regarding claims 2, 8, Silberfenig et al. discloses everything claimed, as applied above (see claims 1) however, Silberfenig et al. fails to discloses transmitting a function menu through the radiotelephone network to the communication device; and receiving a function selection through the radiotelephone network.

In the same field of endeavor, Peltonen discloses a wireless telecommunication system having subscriber advanced personal service. In addition Peltonen discloses transmitting a function menu through the radiotelephone network to the communication device; and receiving a function selection through the radiotelephone network (which reads on page 2 lines 55-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Silberfenig et al. by modifying a communication cellular telephone sound storage device, and email communication device with menu through the radiotelephone network to the communication device; and receiving a function selection through the radiotelephone network, as taught by Peltonen for the purpose of formulating a request for service.

Regarding claims 3, 4, 10, Silberfenig et al. in view of Peltonen discloses everything claimed, as applied above (see claims 1) additionally, Silberfenig et al. discloses receiving the user identification code comprises receiving a telephone number assigned to the communication device (which reads on paragraph [0030]).

Regarding claims 5, 6, Silberfenig et al. discloses everything claimed, as applied above (see claims 1) however, Silberfenig et al. fails to discloses receiving a second feature code; receiving a destination telephone number; and forwarding the audio message to the destination telephone number.

In the same field of endeavor, Peltonen discloses a wireless telecommunication system having subscriber advanced personal service. In addition Peltonen discloses receiving a second feature code; receiving a destination telephone number; and forwarding the audio message to the destination telephone number (which reads on page 2 lines 30-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Silberfenig et al. by modifying a communication cellular telephone sound storage device, and email communication device with menu through the radiotelephone network to the communication device; and receiving a function selection through the radiotelephone network, as taught by Peltonen for the purpose of formulating a request for service.

Regarding claims 7, 9, Silberfenig et al. discloses everything claimed, as applied above (see claims 1) additionally, Silberfenig et al. discloses inputting the audio message to the

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communication device (which reads on paragraph [0004]); and transmitting the audio message through radio frequency signals (which reads on paragraph [0033]). However, Silberfenig et al. fails to disclose inputting a first feature code into the communication device, the first feature code being a non telephone number; transmitting the first feature code through radio frequency signals.

In the same field of endeavor, Peltonen discloses a wireless telecommunication system having subscriber advanced personal service. In addition Peltonen discloses inputting a first feature code into the communication device (which reads on page 2 lines 39-44), the first feature code being a non telephone number (which reads on a subscriber's voice mail number disclosed page 2 lines 40-47); transmitting the first feature code through radio frequency signals (which reads on page 2 lines 45-47).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Silberfenig et al. by modifying a communication cellular telephone sound storage device, and email communication device with inputting a first feature code into the communication device, the first feature code being a non telephone number; transmitting the first feature code through radio frequency signals, as taught by Peltonen for the purpose of formulating a request for service.

Regarding claims 19-22, Silberfenig et al. discloses everything claimed, as applied above (see claims 1) additionally, Silberfenig et al. A computer readable medium for storing software for use by a server storing audio message services sent from a communication device through a mobile radiotelephone network, the software for use in performing a method comprising: receiving a user identification code (which reads on paragraph [0052]), and

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receiving an audio message; and recording the audio message (which reads on paragraph [0033]); however, Silberfenig et al. fails to disclose validating the user; receiving a feature code, the feature code being a non telephonic number and identifying a recording function.

In the same field of endeavor, Peltonen discloses a wireless telecommunication system having subscriber advanced personal service. In addition Peltonen discloses validating the user (which reads on page 2 lines 13-18); receiving a feature code, the feature code being a non telephonic number and identifying a recording function (which reads on page 2 lines 41-43).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Silberfenig et al. by modifying a communication cellular telephone sound storage device, and email communication device with validating the user; receiving a feature code, the feature code being a non telephonic number and identifying a recording function, as taught by Peltonen for the purpose of retrieving a message.

Regarding claim 23. Silberfenig et al. in view of Peltonen discloses everything claimed, as applied above (see claims 19) additionally, Silberfenig et al. discloses The computer readable medium, wherein the method further comprises: receiving a destination identification, and forwarding the audio message to a message box associated with the destination identification which reads on paragraph [0044]).

3. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peltonen (U. S. Patent Number 6,393,274) in view of Silberfenig et al.

Regarding claim 11, Peltonen discloses a method for recording an audio message using a communication device and a radio frequency telephone network, said method comprising,

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receiving a first feature code from the communication device (which reads on page 2 lines 41-43), the first feature code being a non telephone number (which reads on page 2 lines 32-35), receiving a user identification code from the communication device (which reads on page 2 lines 45-47); routing the first feature code to a server (which reads on page 2 lines 30-32); establishing a communication path between the communication device and the server (which reads on page 2 lines 30-32). However Peltonen fails to disclose receiving the audio message from the communication device; and transmitting the audio message to the server.

In the same field of endeavor, Silberfenig et al. discloses a combination cellular telephone sound storage device and email communication device. In addition Silberfenig et al. discloses receiving the audio message from the communication device; and transmitting the audio message to the server (which reads on paragraph [0033]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Peltonen by modifying a wireless telecommunication system having subscriber advanced personal service with discloses receiving the audio message from the communication device; and transmitting the audio message to the server, as taught by Silberfenig et al. for the purpose of retrieving a message.

Regarding claim 12. Peltonen in view of Silberfenig et al. discloses everything claimed, as applied above (see claims 11) additionally, Peltonen discloses receiving the user identification code comprises receiving a mobile identification number (which reads on page 2 lines 30-32)

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Regarding claim 13. Peltonen in view of Silberfenig et al. discloses everything claimed, as applied above (see claims 11) additionally, Peltonen discloses transmitting a telephone number associated with the communication device to the server (which reads on page 2 lines 30-32).

Allowable Subject Matter

2. Claims 14-18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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S. Smith *S. S*
June 10, 2004

Erika Gary
ERIKA GARY
PATENT EXAMINER